



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Huebner et al.
SERIAL NO.: 10/005,717
FILED: 11/08/2001
FOR: Sensing Device and Method Using Photo-Induced Charge Movements
EXAMINER: Snay
ART UNIT: 1743

**PETITION TO THE DIRECTOR OF THE USPTO
UNDER 37 CFR 1.181**

This is a petition to the Director of the USPTO regarding the Examiner's holding that the appeal brief filed on Sept. 9, 2005, in this matter is defective for failure to comply with one or more provisions of 37 CFR 41.37, to wit, that the appeal brief "does not contain a concise explanation of the claimed subject matter and also does not identify the corresponding structure supporting the means plus function elements of the claims" and referencing 37 CFR 41.37(c)(v).

Appellant respectfully disagrees with the Examiner holding of noncompliance, and requests that such holding be vacated.

A concise explanation of the claimed subject matter has been presented. In MPEP Section 1206 under Appeal Brief Content (page 1200-10, col. 1, first complete paragraph), it is stated that as to the required concise explanation of the invention defined in the claims, it "is required to refer to the specification by page and line number" and "it is preferable to read the appealed claims on the specification." Appellant has done just that, dividing each claim into sections and referencing in lateral juxtaposition the page and line numbers in the specification that explain each particular segment.

The undersigned certifies that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below.

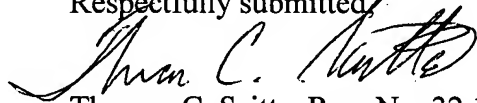
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Date

Thomas C. Saitta

As to the Examiner's holding of Appellant not identifying the corresponding structure supporting the means plus function elements of the claims, Appellant again submits that this has been done in acceptable manner, to wit, the means plus function language of the claims has been identified and delineated by division of each claim into segments, and the corresponding structure supporting each means plus function segment has been provided in lateral juxtaposition with reference to specification page and line number.

It is respectfully requested that the Examiner's holding of noncompliance be vacated and the appeal process be allowed to proceed.

Respectfully submitted,



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